

Please add new claims 42-43 as follows:

- 42.(New) The method of claim 29 wherein the dies are cooled below ambient temperature.
- 43.(New) The method of claim 37 wherein the dies are cooled below ambient temperature prior to reducing the stent in size.--

REMARKS

This amendment is in response to the Office Action dated February 13, 2002. In the Office Action claims 27, 28, 33-36, and 41 were rejected under 35 U.S.C. 102(e) as being anticipated by Morales (5,893,852). Claims 31, 32, 39, and 40 were rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Morales. Claims 29 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morales in view of Charzewski (4,942,756). Claims 30 and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morales in view of Charzewski, and further in view of Humphrey et al. (5,992,000). Claims 27 and 35 have been amended in response to the Office Action and a marked-up copy of the amended claims is enclosed under the title "Marked-up Copy of Amended Claims". New claims 42 and 43 have been added. No new matter has been added.

Applicant notes that an IDS was submitted January 9, 2002. A copy of the 1449 and 892 forms submitted January 9, 2002 as well as a copy of the postcard indicating receipt of the IDS by the USPTO is submitted herewith. Applicant presumes that the references listed therein have been considered. In order to have a complete record, Applicant respectfully requests that the Examiner return a copy of the forms which have been submitted along with an indication that the references listed therein have been considered.

Applicant also submits herewith a formal drawing of corrected Figure 1.

The paragraph numbering below corresponds to that of the Office Action.

(2)

Claims 27, 28, 33-36, and 41 were rejected under 35 U.S.C. 102(e) as being anticipated by Morales (US 5,893,852). Claims 27 and 35 have been amended to recite that the wedge-shaped dies are closely spaced.

Morales does not disclose closely spaced dies. As seen in Fig. 5A of Morales, the Morales dies are separated by wide gaps relative to the stent contacting regions of the dies. For

this reason, Morales does not teach all the elements of claims 27 and 35 or claims dependent therefrom, and thus does not anticipate the instant claims. Applicant respectfully requests that the anticipation rejection be withdrawn.

(4)

Claims 31, 32, 39, and 40 were rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Morales.

Claims 31, 32, 39, and 40, dependent from claims 27 and 35, are patentable over Morales for the reasons discussed above in paragraph 2.

(5)

Claims 29 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morales in view of Charzewski (US 4,942,756). Charzewski is said to disclose dies having a temperature change.

Claims 29 and 37 are patentable over the combination of Morales and Charzewski for the same reasons as discussed above in paragraph 2. The combination does not disclose or render obvious the use of closely spaced dies.

Further as to claim 29, neither Morales nor Charzewski taken in combination suggest the desirability of changing the temperature of dies when reducing a stent in cross-section. There is not even a suggestion in Charzewski that the Charzewski device is suitable for reducing a stent in cross-section.

As to claim 37, neither Morales nor Charzewski taken in combination suggest the desirability of cooling the dies as part of a process of reducing a stent in cross-section. As discussed, there is not even a suggestion in Charzewski of using the Charzewski device for reducing a stent in cross-section.

(6)

Claims 30 and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morales in view of Charzewski, and further in view of Humphrey et al. (5,992,000).

Claims 30 and 38 are patentable over the combination of Morales, Charzewski and Humphrey for the same reasons as discussed above in paragraphs 2 and 5. Moreover, the combination of references does not teach the desirability of changing the temperature of dies

which are used to reduce a nitinol stent in cross-section (claim 30) or the desirability of cooling dies in reducing a nitinol stent in cross-section (claim 38). The references do provide any motivation for making the recited combination of steps and the Office Action does not point to any motivation in the references for making the selective combination.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: May 13, 2002

By:



Jonathan Grad

Registration No. 41,795

Suite 2000
6109 Blue Circle Drive
Minnetonka, MN 55343-9185
Telephone No.: (952) 563-3000
Facsimile No.: (952) 563-3001
F:\WPWORK\JG\10142PRE.B28

Marked-up Copy of Amended Claims

27. (Amended) A method of reducing a stent in cross-section comprising the steps of
a) providing a plurality of closely spaced wedge-shaped dies, the dies disposed about a circle and forming an aperture;
b) placing a stent within the aperture;
c) moving the dies so as to reduce the size of the aperture and apply an inward force to the stent.

35. (Amended) A method of reducing a stent in cross-section comprising the steps of
a) disposing a stent in an aperture of a device for reducing a stent in cross-section, the aperture defined by at least three closely spaced dies disposed about the aperture;
b) reducing the size of the aperture by moving the dies inward, the dies applying a force to the stent to reduce the stent in size.

Please add new claims 42-43 as follows:

--42.(New) The method of claim 29 wherein the dies are cooled below ambient temperature.

43.(New) The method of claim 37 wherein the dies are cooled below ambient temperature prior to reducing the stent in size.--